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## Appeal Decision

Site visit made on 21 November 2024

**by John D Allan BA(Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 9 December 2024**

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**Appeal Ref: APP/Q1445/Z/24/3353186**

**51-53 West Street, Brighton, Brighton and Hove, BN1 2RA**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
  - The appeal is made by The Gelbottle Inc against the decision of Brighton & Hove City Council.
  - The application Ref is BH2024/01713.
  - The advertisement proposed is the installation of an advertising billboard.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The Council has raised no concern regarding the effect of the proposed advertisement on public safety. I have no reason to disagree. The main issue therefore is the effect of the proposal on the visual amenity of the area.

### Reasons

3. The appeal relates to a four-storey building occupying a corner plot within Brighton City Centre and on the perimeter, but within, the Old Town Conservation Area (CA). I saw this to be a pleasant and vibrant location comprising a mix of old and sympathetic new architecture, with many buildings displaying historical features and architectural interest. Although of more contemporary modern design, the scale of the appeal building, combined with its stone-coloured render and fenestration pattern, sits comfortable in its setting and respectful of the wider CA's character and appearance.
4. The proposal is for the installation of an LED Information Billboard at first-floor level occupying a blank space on the façade facing West Street and set close to the building's corner at its junction with Duke Street. The wall mounted billboard would measure 4.5m wide by 2.5m high with illuminated changing images which would operate within the guidelines set by the Institution of Lighting Professionals' *Professional Lighting Guide 05 – The Brightness of Illuminated Adverts*.
5. Despite the busy commercial city centre location, I observed during my visit that signage within the CA was largely limited to ground floor shop fascia panels and projecting signs above of various forms. Overall, I found the extent of commercial signage associated with the variety of business premises within

the CA to be appropriately respectful of the area's special character, being restricted and subtle in terms of numbers, size, position, illumination, and visual impact.

6. In contrast, the proposed advert would be large and prominent in an elevated position, appearing as an extraneous and solitary addition of its type to the building. Notwithstanding the controls that would regulate its function, its illuminated form and changing images would draw the eye to an installation that would have a conspicuous and inharmonious presence within the CA. This would be harmful to the amenity of the area. As such, neither the character nor the appearance of the CA would be preserved.
7. I have been directed to other advertisements in the area, however nothing struck me as having an overall effect that was directly comparable to the appeal proposal in terms of siting, context, form, or visual impact. The specific examples referenced at Upper Gloucester Road, North Road and at Prizm Nightclub sit outside of the CA boundary. Moreover, other examples do not set any precedent for an advertisement that I find would be harmful for its own specific reasons.
8. Policy DM24 Advertisements of the Brighton and Hove City Plan Part Two adopted 2022 states that consent will be granted for advertisements where they are sensitively designed and located so that they do not harm the visual amenity of the site or wider area and do not adversely affect public safety. It further states that advertisements affecting a heritage asset or its setting must cause no harm to the identified significance of the asset. The harm to the area's visual amenity that I have identified means that there would be conflict with Policy DM24. This is a material consideration that weighs further against the proposal.
9. Paragraph 141 of the National Planning Policy Framework states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. It also states that the quality and character of places can suffer when advertisements are poorly sited and designed. Having viewed the site from various aspects along West Street, for the reasons given I find that the proposed advertisement would appear poorly sited and poorly designed within the street scene. This would be to the detriment of amenity. Other factors put to me by the appellants are not relevant to my assessment. Consequently, based upon the harm that I have identified, the appeal is dismissed.

*John D Allan*

INSPECTOR